

ACTION MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, January 2, 2008 - 3:30 p.m.

PUBLIC HEARINGS - 5:30 P.M.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Mary Erickson - 651-266-8565 Pattie Kelley – 651-266-8630 Office of the City Council

Present – 7 – Bostrom, Carter, Harris, Helgen, Lantry, Stark, and Thune Absent – 0

Councilmember Thune moved the reappointments of Councilmember Lantry as City Council President, Councilmember Helgen as City Council Vice President, and Trudy Moloney as City Council Secretary. Yeas -7 Nays -0

CONSENT AGENDA (Items 1 - 16)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- 1. Claims of Dana S. Buffie, Anya K. Desmond, Joshua A. Lee, and Lasha J. Tilsen. **Referred to Risk Management**
- 2. Letter from the Department of Public Works/Technical Services announcing a public hearing before the City Council on January 16, 2008 to consider the petition of Oppidan, Inc. to vacate rights-of-way in Maryland Avenue, Clarence Street, and Rose Avenue in order to consolidate property for redevelopment.
- 3. Letters from the Department of Safety and Inspections/Building Enforcement declaring 898 Albemarle Street, 902 Albemarle Street, 890 Armstrong Avenue, 314 Bates Avenue, 733 Bradley Street, 800 Duluth Street, 400 Edmund Avenue, 1445 Mechanic Avenue, and 815 Robert Street South as nuisance properties and setting date of Legislative Hearings for January 29, 2008 and City Council public hearings for February 20, 2008.

4. Resolution – 08-01 – Approving the appointment of Acooa Lee as Legislative Aide to Ward 1 Councilmember Melvin Carter III. (GS 3047750)

Adopted Yeas - 7 Nays - 0

5. Resolution – 08-02 – Approving the appointment of Samantha Henningson as Legislative Aide to Ward 4 Councilmember Russ Stark. (GS 3047752)

Adopted Yeas - 7 Nays - 0

FOR ACTION

6. Resolution – 08-03 – Approving the appointment of Councilmember Melvin Carter III, and the reappointments of Councilmember's Patrick Harris and David Thune to the Saint Paul Board of Water Commissioners. (GS 3047753)

Adopted Yeas - 7 Nays - 0

7. Resolution – 08-04 – Approving the appointments of Councilmember's Melvin Carter III and Patrick Harris to the Family Housing Fund Board of Directors. (GS 3047754)

Adopted Yeas - 7 Nays - 0

8. Resolution – 08-05 – Approving the appointments of Councilmember's Daniel Bostrom, Kathy Lantry, and David Thune to the Minneapolis/Saint Paul Housing Finance Board. (GS 3047756)

Adopted Yeas - 7 Nays - 0

9. Resolution – 08-06 – Approving the appointments of Councilmember's Lee Helgen, Kathy Lantry, and Russ Stark to the Joint Property Tax Advisory Committee. (GS 3047757)

 $Adopted \qquad Yeas-7 \qquad Nays-0$

10. Resolution – 08-07 – Approving the appointment of Councilmember Russ Stark (alternate) and the reappointment of Councilmember Lee Helgen to the Ramsey County League of Local Government. (GS 3047758)

Adopted Yeas - 7 Nays - 0

11. Resolution – 08-08 – Approving the appointment of Councilmember Russ Stark to the Saint Paul Transportation Management Organization Board. (GS 3047759)

Adopted Yeas - 7 Nays - 0

12. Resolution – 08-09 – Approving the reappointments of Councilmember's Daniel Bostrom, Pat Harris, and Kathy Lantry, by Mayor Coleman, to the RiverCentre Convention and Visitors Authority. (GS 3047760)

Adopted Yeas -7 Nays -0

- 13. Resolution 08-10 Approving the reappointment of Councilmember Lee Helgen, by Mayor Coleman, to the Workforce Investment Board. (GS 3047761)

 Adopted Yeas 7 Navs 0
- 14. Resolution 08-11 Authorizing the Office of Cable Communications to donate surplus video production equipment to the Saint Paul Public Schools. (GS 3047668)

Adopted Yeas - 7 Nays - 0

15. Resolution – 08-12 – Memorializing City Council action taken October 24, 2007 granting the application of James McCann for a Combined Plat for Update Addition to create five (5) industrial parcels and variance of parkland dedication requirement at 2340 Capp Road and 2325 Endicott Street, southwest corner at Hersey Street. [ZF 07-087-802] (GS 3047490)

Adopted Yeas - 7 Nays - 0

16. Resolution – 08-13 – Requesting the Minnesota Department of Transportation to take further noise abatement action along the east side of Highway 280 near St. Anthony Park. (GS 3047810)

Adopted Yeas - 7 Nays - 0

FOR DISCUSSION

17. Resolution 07-646 – Ordering the owner to remove or repair the property at 851 Conway Street within fifteen (15) days from adoption of resolution. [Public hearing held July 18; laid over from November 7.] (GS 3040598) (Legislative Hearing Officer's recommendation is forthcoming)

Laid over to January 9 Yeas - 7 Nays - 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE <u>SAINT PAUL LEGAL LEDGER</u>. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.

18. Second Reading – 07-1194 – An ordinance amending Chapter 33 of the Saint Paul Legislative Code, Building Code and Inspection, as it relates to Certificate of Code Compliance. (Substitute introduced December 26) (GS 3046791)

Laid over to January 16 for third reading / public hearing

PUBLIC HEARINGS

19. Resolution – 08-14 – Authorizing preliminary approval for the issuance of General Obligation Capital Improvement Plan Bonds (2008 public safety bonds) in an amount not to exceed \$11,000,000 (Western Police Station project); adopting a special purpose capital improvement plan; and intent to reimburse for Fire #1 and #10 and administration project. (GS 3047771)

Adopted Yeas -7 Nays -0

20. Third Reading – 07-1148 – An ordinance amending Chapter 65.774 of the Saint Paul Legislative Code, Malt Liquor Manufacturing, by permitting the use in the B2 Community Business District and permitting the sale of malt liquor at retail on the site where it is manufactured; and amending the use table in Chapter 66.421 adding malt liquor manufacturing as a permitted use in Table 66.421. (Third reading continued from December 19) (GS 3046775)

Substitute ordinance introduced; laid over to January 9 for final adoption Yeas-7 Nays -0

21. Third Reading – 07-1193 – An ordinance amending Chapter 409.21 of the Saint Paul Legislative Code to allow sales of gambling equipment within a leased premise by an employee of the lessor from a common area where food and beverages are sold. (GS 3047030)

Laid over to January 9 for final adoption

22. Third Reading – 07-1195 – An ordinance amending Section 409.15 of the Saint Paul Legislative Code by deleting on-sale wine license fee amounts and referring to Chapter 310. (GS 3047051)

Laid over to January 9 for final adoption

23.

the Retail Food – Restricted Food Service, Retail Food (C) Grocery 1001-3000 sq. ft., and Cigarette/Tobacco licenses held by Gas It For Less & Food, Inc., and the Gas Station license application submitted by Gas It for Less & Food, Inc., d/b/a West 7th Market, 675 – 7th Street West.

Adopted the findings of fact, conclusions of law, and recommendations of the Administrative Law Judge that the Retail Food-Restricted Service, Retail Food (C) Grocery 1001-3000 sq. ft., Cigarette/Tobacco Licenses held by Gas It for Less & Food, Inc. d/b/a West 7th Market are revoked and the Gas Station License is denied. The Council finds that applicant's conviction for

Public hearing to consider the report of the Administrative Law Judge concerning

- It for Less & Food, Inc. d/b/a West 7th Market are revoked and the Gas Station License is denied. The Council finds that applicant's conviction for Criminal Sexual Conduct in the Fifth Degree is directly related to the business and applicant failed to produce evidence of rehabilitation. Deviation from the penalty matrix in St. Paul Leg. Code § 310.05 is appropriate because this adverse action contained multiple violations over just a two month period. Yeas 7 Nays 0
- 24. Public hearing to consider the application of Randolph Hill, LLC to rezone property at 1094 Randolph Avenue (block bounded by Randolph, Lexington, Juno, and I 35E) from RM2 Medium-Density Multiple-Family Residential and R2 One-Family Residential to TN2 Traditional Neighborhood. [Zoning File 07-179-230] **Public hearing closed; laid over to January 9**
- 25. Resolution 08-15 Approving the petition of Told Development to vacate alley rights in the Lexington, Randolph, and Juno Avenues block in order to consolidate property for redevelopment. (GS 3047431)
 - Public hearing closed; laid over to February 6
- 26. Public hearing to consider the appeal of Gloria Gonzalez to a decision of the Planning Commission denying a conditional use permit for auto sales and auto detailing at 1229 Payne Avenue (southwest corner at Hawthorne Avenue). [ZF 07-207-141]

Motion of Intent – Appeal Denied Yeas – 6 Nays – 0 (Carter not present for vote) 27. Resolution – 08-16 – Ordering the owner to remove the building(s) at <u>55 Atwater Street</u> within fifteen (15) days from adoption of resolution. (GS 3046535) (Legislative Hearing Officer recommends approval)

Adopted as amended per the recommendation of the Legislative Hearing Officer (180 days granted to remove or repair the building). Legislative Hearing Officer to present updates every 60 days)

Yeas – 6 Nays – 0 (Carter not present for vote)

28. Resolution – 08-17 – Ordering the owner to remove the building(s) at <u>59 Atwater Street</u> within fifteen (15) days from adoption of resolution. (GS 3046513) (Legislative Hearing Officer recommends approval)

Adopted as amended per the recommendation of the Legislative Hearing Officer (45 days granted to remove or repair the building)

Yeas - 7 Nays - 0

- 29. Resolution 08-18 Ordering the owner to remove or repair the building(s) at <u>682</u>
 <u>Blair Avenue</u> within one-hundred eighty (180) days from adoption of resolution.

 (GS 3046532) (Legislative Hearing Officer recommends approval)

 Adopted Yeas 7 Navs 0
- 30. Resolution 08-19 Ordering the owner to remove or repair the building(s) at 893

 Burr Street within fifteen (15) days from adoption of resolution. (GS 3046514)

 (Legislative Hearing Officer's recommendation is forthcoming)

 Adopted as amended (Remove the building within 15 days with no option for repair) Yeas 7 Nays 0
- 31. Resolution 08-20 Ordering the owner to remove the building(s) at <u>950 Desoto Street</u> within five (5) days from adoption of resolution. (GS 3046533) (Legislative Hearing Officer recommends approval)

 Adopted Yeas 7 Nays 0

32. Resolution – 08-21 – Ordering the owner to remove or repair the building(s) at <u>977 Edgerton Street</u> within fifteen (15) days from adoption of resolution. (GS 3046531) (Legislative Hearing Officer's recommendation is forthcoming)

Adopted as amended (Remove the building within 15 days with no option for repair) $Yeas-7 \qquad Nays-0$

- 33. Resolution 08-22 Ordering the owner to remove the building(s) at <u>763 Fuller Avenue</u> within fifteen (15) days from adoption of resolution. (GS 3046530) (Legislative Hearing Officer recommends approval) **Public hearing closed; laid over to January 9**
- 34. Resolution 08-23 Ordering the owner to remove or repair the building(s) at 1867 Stillwater Avenue within fifteen (15) days from adoption of resolution. (GS 3046515) (Legislative Hearing Officer's recommendation is forthcoming)
 Adopted as amended per the recommendation of the Legislative Hearing Officer (180 days granted to remove or repair the building)
 Yeas 7 Nays 0
- 35. Appeal of Rodney and Leigh Ann Lange to a Certificate of Occupancy with Deficiencies, which includes condemnation of one unit, for property at <u>266 Morton Street West</u>. (Legislative Hearing Officer recommends granting the appeal on Deficiency Item #36 provided the thermostat in the first floor unit remains locked; the roof must be replaced by February 28, 2008.)

Motion of Intent – Appeal granted per the recommendation of the Legislative Hearing Officer Yeas - 7 Nays - 0

Council Meeting Information

Webcasting

The City of Saint Paul videostreams the Council meetings and archives the video on the City's Web site. Please visit http://www.ci.stpaul.mn.us/council/webcast/ to watch the live Council meetings beginning at 3:30 p.m. as well as archived meetings.

Website

For an updated copy of the City Council Meeting agendas or minutes, please visit our website at http://www.ci.stpaul.mn.us/council

Cable

The City Council and Housing and Redevelopment Authority (HRA) Meetings are cablecast live on Channel 18 and repeated on Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change). Also, the City Council and HRA Agendas are cablecast on Saturdays at 8:00 a.m. and 7:30 p.m., Sundays at 5:30 p.m., Mondays at 8:00 a.m. 1:30 p.m., and 5:30 p.m.; Tuesdays at 8:00 a.m., and 5:30 p.m.; and Wednesdays at 8:00 a.m. and 1:30 p.m.